IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2882 of 1997

Between:

T. Yedukondalu S/o Raghavaiah,
Naidamma. Oriental (Committee) High School,
Karamchedu, Pramasam District.

..... PETITIONER

AND

1. The Commissioner and Director of School Education, Govt, of A.P. Hyderabad.
2. The Regional Joint Director of School Education, Guntur.
3. The District Educational Officer, Ongole, Prakasam District.
4. Yarlagadda Naidamma Oriental (Committee) High School., Rep. By its Correspondent, Karamchedu, Prakasam District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the accompanying affidavit, this Hon'ble Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring that the appointment of the petitioner as Watchman in the 4th respondent school in an aided vacancy and is in accordance with the rules and the respondents cannot treat the appointment of the petitioner as contingent watchman and consequently direct the respondents to pay the salaries to the petitioners as per the scale attached to the post of Watchman (aided).

Counsel for the Petitioner: MR.SUBBA RAO KORRAPATI

Counsel for the Respondents 1 to 3: GP FOR SCHOOL EDUCATION

Counsel for Respondent No.4: Sri A.Rajendra babu.

The Court made the following:

ORDER:

This Writ Petition is filed by the petitioner on an apprehension that arrears of salary paid may be recovered based on alleged objections raised by the Audit party.

2. According to the petitioner, he was appointed by a regular selection process as against the vacancy published calling for applications in the year 1995. The said selection was also even approved by the second respondent, who is the competent authority. But, subsequently, as there was some objection by the Audit party, which has proposed to recover the salary paid to the petitioner on the ground that his appointment was irregular and therefore, the petitioner has come up with the present Writ Petition.

3 In the counter affidavit filed on behalf of the respondents 1 to 3 it was specifically stated that the selection of the petitioner was made in accordance with the rules in force and the selection was also approved by the competent authority vide proceedings in Rc. No. 595/B1/95 dated 16.03.1995 of the second respondent and the petitioner is being paid the salaries from the date of his joining in service till the date of filing of the Writ Petition and also stated that no amounts have been recovered and it is also stated that no proceedings were also issued for the alleged proposed action.

4. In that view of the matter, there is no merit in the apprehension of the petitioner and the Writ Petition is accordingly disposed of, recording the above statement of the respondents that the appointment of the petitioner was in accordance with the rules, whose appointment was even approved by the second respondent.

5. The Writ Petition is accordingly disposed of. No costs.

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14-09-2004

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To

1. The Commissioner and Director of School Education, Govt, of A.P. Hyderabad.
2. The Regional Joint Director of School Education, Guntur.
3. The District Educational Officer, Ongole, Prakasam District.
4. 2 CCs to GP for School Education, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.